

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ARTHUR G. D'ARRIGO, JR.,

Plaintiff,

v.

GLOUCESTER CITY, et al.,

Defendants.

Civil Action
No. 04-5967 (JBS)

ORDER

This matter comes before the Court on motions for summary judgment, pursuant to Fed. R. Civ. P. 56 by Defendants Delaware River Port Authority and Patrolman Larry Goodwin [Docket Item 23] and by Defendants Gloucester City, Gloucester City Municipal Police Department, Officer Iepson, Officer Morrell and Officer Kraft [Docket Item 28]. The Court has considered the submissions of the parties; for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 19th day of **June, 2007** hereby

ORDERED that the motions for summary judgment shall be granted in part and denied in part as follows:

The Court shall **DENY** summary judgment on Plaintiff's claims against:

1. Defendant Goodwin under Counts One and Two for failure to intervene to prevent the use of excessive force, under New Jersey tort and federal constitutional law;
2. Gloucester City for deliberate indifference to

excessive force;

3. Defendants Iepson and Morrell for New Jersey tort and federal constitutional claims of excessive force;
4. All Defendants except DRPA for Plaintiff's claims of pain and suffering.

The Court shall **GRANT** summary judgment in favor of:

5. Defendant Goodwin for all other claims against him;
6. Defendant DRPA for all claims against it;
7. All Defendants for claims of false arrest, false imprisonment, and filing false police reports;
8. Defendant Kraft for excessive force;
9. Defendant Gloucester City for punitive damages;
10. Defendant Gloucester City Police Department for all claims against it; and
11. All Defendants for claims of intentional infliction of emotional distress.

s/ Jerome B. Simandle
Jerome B. Simandle
United States District Judge